

Ken
v

HENRY TT LUCKY, INC.
9222 Easthaven Blvd.
Houston, Texas 77075
Tel. 713-944-4885 Fax 713-944-4809

April 13, 2004

Mr. Myron O. Knudson, P.E.
United States Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RECEIVED
2004 MAY 10 AM 9:12
AR/OK/TX BRANCH

Dear Mr. Knudson,

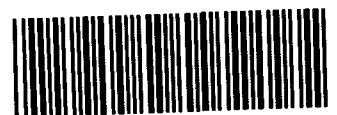
Henry TT Lucky acknowledges your letter of March 18, 2004 notifying it of the potential liability of the clean-up costs for the contaminated property at 11600 Jones Road.

Henry TT Lucky wishes to point out the following facts. Henry TT Lucky (HTTL) did not cause the contamination although HTTL is the landowner and by fact of being the landowner of a contaminated site, according to EPA law the landowner is held responsible.

Although HTTL has not caused the problem HTTL acted promptly when the contamination was confirmed and proceeded to address the issue of clean-up, working under the voluntary clean-up program with TCEQ. During that initial attempted clean-up procedure, the following information explains some of the details.

A. HTTL employed Geotech Environmental Services to drill and start monitoring six monitoring wells on the property at a total cost of approximately \$100,000.00. This figure includes related cost besides Geotech.

B. Subsequent to starting the clean-up of the 11600 Jones Road property, contaminated wells were discovered across Jones Road in the residential neighborhood. Everyone assumed the contamination came from the Bell Cleaners site. HTTL was asked to install filters on all of the contaminated wells and continue monthly monitoring of those wells to determine the ongoing contamination either increasing or decreasing. This operation was started because of an emergency order that was issued by TCEQ against HTTL to perform that service.



190479

It was very quickly determined by consulting with specialists in the industry that the magnitude of the clean-up effort including filtering, monitoring wells and eventual clean-up was beyond the scope of the funds that were available from HTTL therefore HTTL withdrew from the voluntary clean-up program and proceeded to negotiate at that time with TCEQ through HTTL's lawyers. The legal fees for this effort amounted to \$85,000.00.

Eventually the emergency order was removed. Those records will be in the file of TCEQ documentation in Austin, Texas.

C. During the time of the above actions HTTL entered into negotiations with TCEQ in an effort to make payments towards the clean-up efforts in return for a release of responsibility and those payments would be based on HTTL's ability to pay. All of HTTL's financial information was given to TCEQ and it was determined by TCEQ that HTTL could pay approximately \$2,000.00 a month for five years, which would have amounted to a total payment of \$120,000.00.

HTTL accepted the payment amount and the terms however before starting the program of repayment TCEQ made the decision to turn the clean-up operation over to the EPA Superfund.

~~HTTL has attempted to be a responsible neighborhood citizen and to perform~~
whatever duties were required under the law. HTTL wishes to point out again that it has not contributed towards the contamination but has attempted to do everything necessary towards the clean-up until such time as it was decided that the neighborhood west and south of the property was more than HTTL could accomplish with its available funds.

Very truly yours,



Henry A. Davidson/President

c.c. Ted Tom

HTTL, Knudson, USEnviron. 3-31-04